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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application of: Kenneth S. Bloom, et al.

Serial No.: 10/799,114

Filing Date: March 11, 2004

Confirmation No.: 7090

Title: TAMPER-INDICATING CLOSURE, PACKAGE
AND METHOD OF MANUFACTURE

Attorney Docket: 18420

Group Art Unit: 3781

Examiner: R. A. Hylton

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

On November 30, 2007
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Diana Castillo
(Name of Person Signing Paper)

Diana Castillo
(Signature of Person Signing Paper)

REPLY TO EXAMINER'S ANSWER

Before addressing the Examiner's Answer, it is noted that there has been a change in the real party in interest in this appeal since the Appeal Brief was filed. This application continues to be assigned of record to Owens-Illinois Closure Inc., which was a wholly owned subsidiary of OI Plastic Products FTS Inc. OI Plastic Products FTS Inc. has been sold to Rexam Inc. Owens-Illinois Closure Inc. is now Rexam Closure Systems Inc., which is a wholly owned subsidiary of Rexam Plastic Products Inc., which is a wholly owned subsidiary of Rexam Inc. A change-of-name will be recorded in due course.

With respect to the rejections of the appealed claims, applicants' basic position is set forth in the Appeal Brief filed November 20, 2006. This Reply is addressed to arguments presented by the Examiner in the Answer mailed October 12, 2007.

Applicants' basic position is and remains that the prior art cited by the Examiner fails to disclose or suggest a tamper-indicating closure or a tamper-indicating package having wings extending inwardly from an inner surface of the tamper band and flexibly resiliently connected to such inner surface along lines that are disposed at a counterclockwise angle with respect to an axis of the cylindrical skirt of the closure as viewed from inside the skirt. It will be apparent from the Response to Argument portion of the Answer, at pages 6-8 of the Answer, that the rejections are based upon imaginative interpretations of the claim language on appeal, interpretations that are not supported by the application text, the prior art or any other evidence of record. In this connection, it is well established that:

The descriptions in patents are not addressed to the public generally, to lawyers or to judges, but, as section 112 says, to those skilled in the

art to which the invention pertains or with which it is most nearly connected.

In re Nelson, 280 F.2d 172,181, 126 USPQ 242, 250-251 (CCPA 1960).

The Examiner suggests that “an axis” of a “cylindrical skirt” can be located anywhere. However, any dictionary definition of the word “axis” must lead to the conclusion that persons of ordinary skill in the art would understand that the “axis” of “a cylindrical skirt” is the axis of symmetry of the cylindrical skirt.

The Examiner suggests that the “direction of viewing” is not specified in the claims. However, both independent claims 1 and 7 clearly state that the wings are resiliently flexibly connected to the inside surface of the tamper band along lines that are disposed at a clockwise angle with respect to an axis of the skirt “as viewed from inside the skirt.” It is difficult to see how the “direction of viewing” could be more clearly stated.

The Examiner suggests that the claims do not recite how the wings are connected to the tamper band. To the contrary, both independent claims 1 and 7 expressly recite that the wings extend inwardly from an inner surface of the tamper band and are resiliently flexibly connected to the inner surface of the band along lines that are disposed at a clockwise angle with respect to the axis of the skirt as viewed from inside the skirt. This is a feature wholly lacking in the cited references.

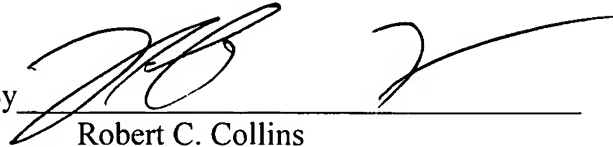
It is therefore believed and respectfully submitted that the rejection of all claims 1-12 should be reversed, and that these claims should be allowed.

Please charge any fees associated with this submission to Account No. 50-4417

(Rexam Plastic).

Respectfully submitted,
REISING, ETHINGTON, BARNES,
KISSELLE, P.C.

By

A handwritten signature in black ink, appearing to be 'RC Collins', written over a horizontal line.

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